

Remarks

The Examiner is thanked for the courtesies extended the undersigned Attorney during their telephone conference on October 23, 2007.

The specification has been amended at page 1 (following the Title) to include a statement of the "Cross-reference to Related Applications." No new matter has been added with the amendments to the specification.

Claims 4-8, 12-20 and 24-27 are pending.

The allowance of Claim 9 is acknowledged.

Claims 4-8 and 24 have now been canceled without prejudice and merely to expedite an allowance of the presently pending claims.

Claims 10, 12, 13, 20 and 25 have been amended to depend from allowed Claim 9.

Claim 12 has been further amended to clarify that the "drug" is "*encapsulated within the liposome.*"

Claim 26 has been amended to incorporate the limitations of allowed Claim 9 (i.e., the liposome mixture) – and to clarify that the "drug" is *contained within the liposome.*

Support for the limitation of a drug encapsulated/contained within the liposome (amended Claims 9 and 26, Claim 28) – is throughout the specification, for example: *at page 1, lines 10-11* ("The drug may be incorporated into the vesicles or administered concurrently."), *at page 6, lines 8-9* ("The formulation may also comprise...conventional liposomes ...comprising an effective amount of entrapped drug."), *at page 11, lines 32-33* ("Incorporation of drugs into liposomes can be achieved by one or more methods of active and/or passive loading such as those described in the literature"), and *at page 13, lines 6-15* (Liposomes of specific lipid compositions were prepared according to the method of thin lipid film hydration. ...The lipid film was then hydrated with a buffer containing or not a drug to be encapsulated. ...and efficiency of drug entrapment was determined by radioactive countings.").

New *Claims 28 and 29* have been added to depend from Claim 10 (which depends from allowed Claim 9). Claim 28 corresponds to *original* (and amended) Claim 12. Claim 29 corresponds to *original* Claim 19.

The Examiner has previously considered the limitations to the claims, and no new matter has been added with the amendments to the claims or with the addition of new Claims 28-29. The amendments are merely intended to clarify language in the claims and the subject matter claimed. The scope of the claims is intended to be the same after an amendment as it was before the amendment.

Rejection of Claims under 35 USC §103(a)

The Examiner rejected the claims as follows:

- a) At paragraph 5: Claims 4-8, 12-16, 19-20 and 24-27 under Section 103(a) as obvious over USP 5,773,027 (Bergeron) in view of Cantin et al. (*J. Virology* 71(2): 1922-1930, March 1997).
- b) At paragraph 6: Claims 10 and 17-18 as obvious over Bergeron in view of Cantin, further in view of Desormeaux (*J. Drug Targeting* 6(1): 1-15, 1998).
- c) At paragraph 7: Claim 20 as obvious over Bergeron in view of Cantin, further in view of Harlow (*Antibodies, a Laboratory Manual*, 1988, Cold Spring Harbor, NY, pp. 620-629) and Desormeaux.

These rejections are respectfully traversed.

Claims 4-8 and 24 have been canceled.

Claims 10, 12, 13, 20 and 25 have been amended to depend from allowed Claim 9.

Claim 26 has been amended to incorporate the limitations of allowed Claim 9 (i.e., the liposome mixture).

New *Claims 28 and 29* depend from Claim 10 (which depends from allowed Claim 9).

Each of the pending claims incorporates the limitations of allowed Claim 9.

The cited references, either alone or in combination, do not disclose or suggest the presently claimed formulations. Accordingly, withdrawal of the rejections of the claims is respectfully requested.

Provisional objections to claims under 37 CFR § 1.75

At paragraph 9, the Examiner indicated that should Claims 24 and 25 be found allowable, claims 26 and 27 would be objected to under Section 1.75 as being a substantial duplicate.

Claim 24 has been canceled. Accordingly, the objection to Claim 26 (based on Claim 24) is considered moot.

Claim 26 recites the limitations of allowed Claim 9 – with the additional limitation of the formulation also capable of *delivering a drug* – which limitation was *previously pending* in Claim 26. (Accordingly, Claim 26 is not a substantial duplicate of Claim 9.)

Claim 25 now depends from allowed Claim 9.

Claim 27 depends from amended Claim 26 – which, as indicated above, recites the limitations of allowed Claim 9 with the added limitation of the formulation also capable of *delivering a drug*. Therefore, Claim 27 is not a substantial duplicate of Claim 25.

Accordingly, the Examiner's provisional objection to the Claims under Section 1.75 is considered moot.

Rejection of Claims under 25 USC §112(1)

At paragraph 11, the Examiner rejected Claim 6 under Section §112(1) as non-enabled.

This rejection is considered moot in view of the cancellation of Claim 6. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claims under 35 U.S.C. §112(2)

At paragraph 13, the Examiner rejected Claim 8 under Section 112(2) as indefinite.

This rejection is considered moot in view of the cancellation of Claim 8. Accordingly, withdrawal of this rejection is respectfully requested.

Allowance of Claim 9

The allowance of Claim 9 is again acknowledged.

Information Disclosure Statement

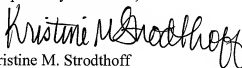
Applicant brings to the attention of the Examiner, an Information Disclosure Statement that was electronically filed on October 23, 2007. Return of the submitted Form 1449 is requested, showing the references as initialed and considered by the Examiner.

Extension of Term.

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for extension of time. If any extension and/or fee are required, please charge Account No. 23-2053.

It is submitted that the present claims are in condition for allowance, and notification to that effect is respectfully requested.

Respectfully submitted,



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